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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,407	06/29/2000	Jang Jin Yoo	8733.20135	7073

30827 7590 07/10/2002

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EXAMINER
SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/606,407	YOO ET AL.	
	Examiner	Art Unit	
	Andrew Schechter	2871	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *4-6,12-16,18 and 37*.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-3,7-11 and 19-36*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

The amendment of claims 4, 12-16, 18, and 37 to place them in independent form and the cancellation of claim 17 makes claims 4-6, 12-16, 18, and 37 allowable.

Regarding the arguments made regarding the remaining claims:

1) The examiner is unable to understand the applicant's arguments with respect to claim 30, and maintains the rejection of claim 30 under 35 U.S.C. 112, 2nd paragraph. Perhaps a specific example answering the questions posed in the Office Action of 1 April 2002 would be helpful in resolving this issue.

2) The applicant argues that there is no motivation to combine the references Lien and Ueda. First, the applicant argues that "such an arrangement would teach away from the disclosure and purpose of Lien" [p. 9]. This is not persuasive; the examiner does not agree that either reference "teaches away" from the combination, nor does the passage of Lien cited by the applicant appear particularly relevant. Second, the applicant argues that the motivation to combine the two is solely impermissible hindsight. This is not persuasive; the examiner notes the discussion of the motivation in the previous Office Action and does not agree that impermissible hindsight was the only suggestion for combining the references. Finally, the applicant "traverses the assertion that the combination of elements recited in claims 1-3, 7-11, 17, and 19-36 are well-known, and request [sic] the Examiner to provide evidence." As discussed on p. 3 of the previous Office Action, this is not an adequate traversal of the examiner's taking of official notice, for at least the two reasons given there. The traversal in the present response by the applicant is not adequate either, both because of the second reason previously given ("an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why in each case the noticed fact is not considered to be common knowledge or well-known in the art") and because this new traversal is not seasonable.

Claims 1-3, 7-11, and 19-36 remain unpatentable.

Andrew Schechter
July 5, 2002

TOAN TON
PRIMARY EXAMINER